FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE,
NAGPUR BENCH, NAGPUR

Second Appeal No. 556/2005

(Maharashtra State Electricity Board, thr. Executive Engineer & another **VERSUS** Smt.Meera wd/o Ramesh Kharat & 2 others **)**

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

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Shri Moharir, Advocate for the appellant.

CORAM : Smt. Vasanti A. Naik, J.
DATE : 20th August, 2007.

Heard the learned counsel for the appellant.

The appellant no.1 is the original defendant no.4. A suit was filed by the plaintiffs who are the widow and the children of deceased Ramesh who died on 03.03.1993. It was the case of the plaintiffs that the defendants called Ramesh to work on the electric line and on 03.03.1993 while Ramesh was present in his home, the defendant no.1 who was an employee of the defendant no.4 Board asked Ramesh to accompany him, to work on the electric line. While deceased Ramesh was working on the pole, he received an electric shock due to the passing of the live electric current in the electric line. The plaintiffs, therefore, filed the suit for grant of compensation to the tune of Rs.1,50,000/- against the defendants.

The defendants filed the written statement and denied the claim of the plaintiffs. They denied that the deceased was employed by the defendants to work on the electric pole and the electric line. It was further pleaded by the defendants that there were several experienced persons available with the Maharashtra State Electricity Board for working on the electric connections, and therefore, there was no question of taking any help from deceased Ramesh. The defendants lastly pleaded that Ramesh climbed the pole and did the work voluntarily without any instructions from the defendants and had put his life in danger and hence, the plaintiffs were not entitled to seek any compensation from the defendants.

The trial Court held that the plaintiffs proved that the death of Ramesh was caused on account of the rash and negligent acts of the defendants. The trial Court held that the defendants were liable to pay damages of Rs. 1,00,000/- (Rupees One Lac only) to the plaintiffs with interest @ 6% per annum.

The judgment and decree passed by the trial Court was challenged by the defendants in appeal. The appellate Court, however, by the judgment dated 04.07.2005, dismissed the appeal filed by the defendants and held that the

defendants were responsible for the death of Ramesh. Consequently, the findings recorded by the trial Court were confirmed by the first appellate Court.

The findings recorded by both the Courts are pure findings of fact which hold that the defendants were negligent and are responsible for the death of Ramesh. The findings of fact cannot be interfered with, in the second appeal as they do not give rise to any substantial question of law.

The second appeal is, therefore, dismissed with no order as to costs.

JUDGE

APTE